

# EXHIBIT 33

JUL 15 88 9:32 SHOWN, BARRY &amp; BARRY, INC.

J 480 (Rev. 8/88) Judgment in a Civil Case

**FILED****United States District Court**

JUN 15 1988

DISTRICT OF NEW JERSEY

At 2:40 P.M.  
WILLIAM T. WALSH  
CLERK**CIPOLLONE, ETC.****JUDGMENT IN A CIVIL CASE**

V.

**LIGGETT, INC., ET AL**

CASE NUMBER: 83-2864

- ☒ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that judgment be entered in favor of plaintiff Antonio Cipollone and against defendant Liggett, Inc. in the amount of \$400,000.00

IT IS FURTHER ORDERED that a judgment of no cause of action be entered in favor of Phillip Morris and against plaintiff Antonio Cipollone,

IT IS FURTHER ORDERED that a judgment of no cause for action be entered in favor of Lorillard Inc., and against plaintiff Antonio Cipollone.

**ENTERED**

ON THE DOCKET  
ON 06-17-1988  
WILLIAM T. WALSH, CLERK  
By *[Signature]*  
(Deputy Clerk)

June 15, 1988

*[Signature]*  
Clerk: Hon. H. Lee Sarokin

(By) Deputy Clerk

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**CIPOLLONE v. LIGGETT GROUP, INC., 83-2864**  
**JURY INTERROGATORIES**

1. Has plaintiff proven all of the elements necessary to establish fraudulent misrepresentation or concealment by defendant Liggett, prior to 1966, of material facts concerning significant health risks associated with cigarette smoking?

Yes \_\_\_\_\_ No ☒

2. Has plaintiff proven all of the elements necessary to establish fraudulent misrepresentation by defendant Philip Morris, prior to 1966, of material facts concerning significant health risks associated with cigarette smoking?

Yes \_\_\_\_\_ No ☒

3. Has plaintiff proven all of the elements necessary to establish fraudulent misrepresentation by defendant Lorillard, prior to 1966, of material facts concerning significant health risks associated with cigarette smoking?

Yes \_\_\_\_\_ No ☒

4. Was there a conspiracy prior to 1966 to fraudulently misrepresent and/or conceal material facts concerning significant health risks associated with cigarette smoking?

Yes \_\_\_\_\_ No ☒

5. If you answered "yes" to question #4, were any of the defendants members of that conspiracy?

Liggett Group, Inc. Yes \_\_\_\_\_ No \_\_\_\_\_

Philip Morris Incorporated Yes \_\_\_\_\_ No \_\_\_\_\_

Lorillard, Inc. Yes \_\_\_\_\_ No \_\_\_\_\_

6. If you answered "yes" to question number 5, has plaintiff proven all of the elements necessary to establish fraudulent misrepresentation or concealment, prior to 1966, by any member of the conspiracy?

Yes \_\_\_\_\_ No \_\_\_\_\_

7. Should Liggett, prior to 1966, have warned consumers regarding health risks of smoking?

Yes ☒ No ☐

8. If you answered "yes" to question 7, was that failure to warn prior to 1966 a proximate cause of all or some of Mrs. Cipollone's smoking?

Yes ☒ No ☐

9. If you answered "yes" to question 8, was such smoking a proximate cause of Mrs. Cipollone's lung cancer and death?

Yes ☒ No ☐

10. If you answered "yes" to question 9, did Mrs. Cipollone voluntarily and unreasonably encounter a known danger by smoking cigarettes?

Yes ☒ No ☐

11. If you answered "yes" to question 10, was this conduct by Mrs. Cipollone a proximate cause of her lung cancer and death?

Yes ☒ No ☐

12. If you answered "yes" to question 11, what is the percentage of responsibility for Mrs. Cipollone's injuries attributable to each of the following parties:

Mrs. Cipollone 80 %

Liggett Group, Inc. 20 %

[NOTE: The sum of these percentages must equal 100%].

13. Did Liggett make express warranties to consumers regarding the health aspects of its cigarettes?

Yes ☒ No ☐

14. If you answered "yes" to question 13, did any Liggett products used by Mrs. Cipollone breach that warranty?

Yes ☒ No ☐

15. If you answered "yes" to question 14, was Mrs. Cipollone's use of these products a proximate cause of her lung cancer and death?

Yes ☒ No ☐

16. If you answered "yes" to any of the following questions: 1, 2, 3, 6, 9 or 15, what damages did Mrs. Cipollone sustain?

\$ None

17. If you answered "yes" to any of the following questions 1, 2, 3, 6, 9, or 15, what damages did Mr. Cipollone sustain?

\$ 400K

18. If you answered "yes" to any of the following questions: 1, 2, 3, 6 or 9, is plaintiff entitled to punitive damages against one or more of the defendants?

Yes ☐ No ☒

19. If you answered, "yes" to question 18, to what amount is plaintiff entitled?

\$ \_\_\_\_\_

20. If you awarded a sum under question 19, what amount of this total is attributable to each of the following parties?

Liggett Group, Inc. \$ \_\_\_\_\_

Philip Morris Incorporated \$ \_\_\_\_\_

Lorillard, Inc. \$ \_\_\_\_\_

[NOTE: these amounts should add up to the total awarded under question 19.]

\_\_\_\_\_  
FOREPERSON